

**FILED**  
**MAR - 3 2010**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**WALTER ROCELLA FOSTER,**

Civil No. 07-1224-ST

Petitioner,

**O R D E R**

v.

**ANTHONY SANTOS,**

Respondent.

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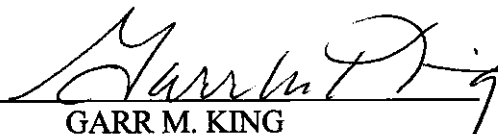
KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on February 4, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation dated February 4, 2010 (#45) in its entirety.

IT IS HEREBY ORDERED that the Amended Petition for Writ of Habeas Corpus (#11) is denied. The court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 USC § 2253(c)(2).

DATED this 27<sup>th</sup> day of March, 2010.

  
GARR M. KING  
United States District Judge